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October 7, 2022

Via ECF

Hon. Carol Bagley Amon
United States District Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: CIT Bank, N.A. v. Zisman et. al.
Case No.: 1:17-cv-02126-CBA

Your Honor:

This office represents plaintiff CIT Bank, N.A. (“Plaintiff”) in the above-referenced mortgage foreclosure action. We are writing at the request of Catherine Wolfe, Clerk of the United States Court of Appeals for the Second Circuit, for an update on the status of a decision on Plaintiff’s Motion to Vacate.

On April 8, 2020, the Court granted Defendants’ Motion for Summary Judgment and on April 20, 2020, Plaintiff filed a Notice of Appeal. The Court of Appeals initially stayed Plaintiff’s appeal pursuant to Rule 4(a)(4) pending a decision on Plaintiff’s Motion for Reconsideration, which was denied on March 1, 2021. Since then, the Court of Appeals has continued the stay pursuant to FRAP 12.1(b) pending a decision on Plaintiff’s Rule 60(b)(6) Motion to Vacate the April 8, 2020 decision and subsequent judgment due to a change in law. Oral argument was held on Plaintiff’s Motion to Vacate on May 24, 2021, and the motion is currently pending a decision from the Court.

This week, Ms. Wolfe reached out to appellate counsel for Plaintiff to inquire as to the status of the appeal. Counsel spoke with Ms. Wolfe on October 5, 2022 and advised that Plaintiff was awaiting a decision on Plaintiff’s Motion to Vacate before proceeding with the appeal. Ms. Wolf requested that we reach out to the Court to inquire as to the status of a decision on the motion as the Court of Appeals is eager to resolve Plaintiff’s appeal.

Thank you for your consideration.

Respectfully,

BRONSTER LLP

/s/ Sean K. Monahan

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Via ECF